

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LIBERTY MUTUAL INSURANCE COMPANY,

No. C 06-02022 CW

Plaintiff,

CLERK'S NOTICE  
SETTING PRETRIAL  
CONFERENCE AND COURT  
TRIAL

v.

MICHAEL BLATT,

Defendant.

The above-captioned case having been reassigned to the  
Honorable Claudia Wilken,

Notice is hereby given that a pretrial conference will be held  
on **March 4, 2008, at 2:00 p.m.**, in Courtroom 2, 4th Floor, 1301  
Clay Street, Oakland, CA 94612. A one day court trial will  
commence on **March 10, 2008, at 8:30 a.m.** Counsel shall comply with  
the attached Order for Pretrial Preparation.

Dated: 2/5/08

*Sheilah Cahill*

SHEILAH CAHILL  
Deputy Clerk

ORDER FOR PRETRIAL PREPARATION

PRETRIAL CONFERENCE

3       1. Not less than 30 days prior to the pretrial conference,  
4 counsel shall exchange (but not file or lodge) the papers described  
5 in Civil L.R. 16-10(b)(7), (8), (9), and (10), and their motions in  
6 limine.

7       2. At least 20 days before the final pretrial conference,  
8 lead counsel who will try the case shall meet and confer with  
9 respect to:

10 (a) Preparation and content of the joint pretrial conference statement;

16 || (c) Settlement of the action.

17       3. Not less than 10 days prior to the pretrial conference,  
18 counsel shall submit the following.

19                             (a) Pretrial Conference Statement. The parties shall  
20 file a joint pretrial conference statement containing the following  
21 information:

## 22 || (1) The Action.

(2) The Factual Basis of the Action.

1                     (A) Undisputed Facts. A plain and concise statement of  
2 all relevant facts not reasonably disputed.

3                     (B) Disputed Factual Issues. A plain and concise  
4 statement of all disputed factual issues which remain to be  
decided.

5                     (C) Agreed Statement. A statement assessing whether all  
6 or part of the action may be presented upon an agreed  
statement of facts.

7                     (D) Stipulations. A statement of stipulations requested  
or proposed for pretrial or trial purposes.

8                     (3) Disputed Legal Issues. Without extended legal  
9 argument, a concise statement of each disputed point of law  
10 concerning liability or relief.

11                    (4) Further Discovery or Motions. A statement of all  
12 remaining discovery or motions.

13                    (5) Trial Alternatives and Options.

14                    (A) Settlement Discussion. A statement summarizing the  
15 status of settlement negotiations and indicating whether  
further negotiations are likely to be productive.

16                    (B) Consent to Trial Before a Magistrate Judge. A  
17 statement whether the parties consent to a court or jury trial  
before a magistrate judge, with appeal directly to the Ninth  
Circuit.

18                    (C) Bifurcation, Separate Trial of Issues. A statement  
19 of whether bifurcation or a separate trial of specific issues  
is feasible and desired.

20                    (6) Miscellaneous. Any other subjects relevant to the  
21 trial of the action, or material to its just, speedy and  
22 inexpensive determination.

23                    (b) Exhibit List and Objections. The exhibit list shall  
24 list each proposed exhibit by its number (see Civil L.R. 30-2(b)),  
25 description, and sponsoring witness, followed by blanks to  
26 accommodate the date on which it is marked for identification and  
27

1 the date on which it is admitted into evidence. **No party shall be**  
2 **permitted to offer any exhibit in its case-in-chief that is not**  
3 **disclosed in its exhibit list without leave of the Court for good**  
4 **cause shown.** Parties shall also deliver a set of premarked  
5 exhibits to the Courtroom Deputy. The exhibit markers shall each  
6 contain the name and number of the case, the number of the exhibit,  
7 and blanks to accommodate the date admitted and the Deputy Clerk's  
8 initials. (Appropriate sample forms are available on the Court's  
9 website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov)). Any objections to exhibits  
10 which remain after the pretrial meeting shall be indicated in the  
11 pretrial statement.

12 (c) Witness List. In addition to the requirements of  
13 FRCivP 26(a)(3)(A), a brief statement describing the substance of  
14 the testimony to be given by each witness who may be called at  
15 trial. **No party shall be permitted to call any witness in its**  
16 **case-in-chief that is not disclosed in its pretrial statement**  
17 **without leave of Court for good cause shown.**

18 (d) Use of Discovery Responses. In addition to the  
19 requirements of FRCivP 26(a)(3)(B), a designation of any excerpts  
20 from interrogatory answers or from responses for admissions  
21 intended to be offered at trial. Counsel shall indicate any  
22 objections to use of these materials and that counsel have  
23 conferred respecting such objections.

24 (e) Trial briefs. Briefs on all significant disputed  
25 issues of law, including foreseeable procedural and evidentiary  
26 issues, which remain after the pretrial meeting.

27 (f) Motions in Limine. Any motions in limine that could  
28

1 not be settled at the pretrial meeting shall be filed with the  
2 pretrial statement. All motions in limine shall be contained  
3 within one document, limited to 25 pages pursuant to Civil L.R. 7-  
4 2(b), with each motion listed as a subheading. Opposition to the  
5 motions in limine shall be contained within one document, limited  
6 to 25 pages, with corresponding subheadings, and filed five (5)  
7 days thereafter.

8 (g) Joint Proposed Voir Dire. The attached voir dire  
9 questionnaire will be given to the venire members, and copies of  
10 the responses will be made available to counsel at the beginning of  
11 voir dire. Counsel may submit a set of additional requested voir  
12 dire, to be posed by the Court, to which they have agreed at the  
13 pretrial meeting. Any voir dire questions on which counsel cannot  
14 agree shall be submitted separately. Counsel may be allowed brief  
15 follow-up voir dire after the Court's questioning.

16 (h) Joint Proposed Jury Instructions. As applicable,  
17 jury instructions §1.1A, §1.1C, §1.2 through §1.17, §1.19, §2.1  
18 through §2.13, §3.1 through §3.3 from the Manual of Model Civil  
19 Jury Instructions for the Ninth Circuit (2007 Edition) will be  
20 given absent objection. Counsel shall jointly submit one set of  
21 additional proposed jury instructions, to which they have agreed at  
22 the pretrial meeting. The instructions shall be ordered in a  
23 logical sequence, together with a table of contents. Any  
24 instruction on which counsel cannot agree shall be marked as  
25 "disputed," and shall be included within the jointly submitted  
26 instructions and accompanying table of contents, in the place where  
27 the party proposing the instruction believes it should be given.

1 Argument and authority for and against each disputed instruction  
2 shall be included as part of the joint submission, on separate  
3 sheets directly following the disputed instruction.  
4 Whenever possible, counsel shall deliver to the Courtroom Deputy a  
5 copy of their joint proposed jury instructions on a computer disk  
6 in WordPerfect or ASCII format. The disk label should include the  
7 name of the parties, the case number and a description of the  
8 document.

9 (i) Proposed Verdict Forms, Joint or Separate.  
10 (j) Proposed Findings of Fact and Conclusions of Law  
11 (Court Trial only). Whenever possible, counsel shall deliver to  
12 the Courtroom Deputy a copy of their proposed findings of fact and  
13 conclusions of law on a computer disk in WordPerfect or ASCII  
14 format. The disk label should include the name of the parties, the  
15 case number and a description of the document.

16 JURY SELECTION

17 The Jury Commissioner will summon 20 to 25 prospective jurors.  
18 The Courtroom Deputy will select their names at random and seat  
19 them in the courtroom in the order in which their names are called.

20 Voir dire will be asked of sufficient venire persons so that  
21 eight (or more for a lengthy trial) will remain after all  
22 peremptory challenges and an anticipated number of hardship  
23 dismissals and cause challenges have been made.

24 The Court will then take cause challenges, and discuss  
25 hardship claims from the individual jurors, outside the presence of  
26 the venire. The Court will inform the attorneys which hardship  
27 claims and cause challenges will be granted, but will not announce

1 those dismissals until the process is completed. Each side may  
2 then list in writing up to three peremptory challenges. The  
3 attorneys will review each other's lists and then submit them to  
4 the Courtroom Deputy.

5       Then, from the list of jurors in numerical order, the Court  
6 will strike the persons with meritorious hardships, those excused  
7 for cause, and those challenged peremptorily, and call the first  
8 eight people in numerical sequence remaining. Those people will be  
9 the jury.

10 All jurors remaining at the close of the case will deliberate.  
11 There are no alternates.

## 2 || SANCTIONS

Failure to comply with this Order is cause for sanctions under Federal Rule of Civil Procedure 16(f).

IT IS SO ORDERED.

2/5/08

7 || Dated:

CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

JUROR QUESTIONNAIRE

Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: \_\_\_\_\_

2. Your age: \_\_\_\_\_

3. The city where you live: \_\_\_\_\_

4. Your place of birth: \_\_\_\_\_

5. Do you rent or own your own home? \_\_\_\_\_

6. Your marital status: (circle one)

single   married   separated   divorced   widowed   live with partner

7. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

15. \_\_\_\_\_

16. \_\_\_\_\_

17. Who is (or was) your employer?

18. \_\_\_\_\_

19. How long have you worked for this employer? \_\_\_\_\_

20. Please list the occupations of any adults with whom you live.

21. \_\_\_\_\_

22. 11. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

24. \_\_\_\_\_

25. \_\_\_\_\_

26. \_\_\_\_\_

27. \_\_\_\_\_

28. \_\_\_\_\_

1 12. Please describe your educational background:

2 Highest grade completed: \_\_\_\_\_

3 College and/or vocational schools you have attended:

4 \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

8 Major areas of study: \_\_\_\_\_

9 13. Have you ever served on a jury before? \_\_\_\_\_ How many  
10 times? \_\_\_\_\_

11 If yes: State/County Court \_\_\_\_\_ Federal Court \_\_\_\_\_

12 When? \_\_\_\_\_

13 Was it a civil or criminal case? \_\_\_\_\_

14 Did the jury(ies) reach a verdict? \_\_\_\_\_